

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOHN STAHL

PLAINTIFF

v.

CIVIL ACTION NO. 1:15-CV-189-KS-MTP

**JACKSON COUNTY, MISSISSIPPI,
MIKE BYRD (in his official and individual
capacity) and OTHER UNKNOWN JOHN and
JANE DOES, A-Z, (also in their official and
individual capacities)**

DEFENDANTS

MEMORANDUM OPINION AND ORDER

This matter is before the Court on the Motion to Dismiss [7] filed by Defendant Mike Byrd (“Byrd”), in his official capacity. Having considered the submissions of the parties, the record, and the applicable law, the Court finds this motion to be well taken and should be granted.

Byrd claims that the claims against him in his official capacity are duplicative of the claims pending against Jackson County, Mississippi (“Jackson County”), also named as a defendant in this case, and should be dismissed as redundant. It is well established that suits against government officials in their official capacity “generally represent only another way of pleading an action against an entity of which an officer is an agent.” *Kentucky v. Graham*, 473 U.S. 159, 165-66, 105 S. Ct. 3099, 87 L.Ed.2d 114 (1985) (quoting *Monell v. N.Y.C. Dept. of Soc. Servs.*, 436 U.S. 658, 690, n.55, 98 S. Ct. 2018, 56 L.Ed.2d 611 (1978)). Therefore, Plaintiff’s claims against Byrd in his official capacity as the former Sheriff of Jackson County, Mississippi, are in actuality claims against Jackson County, Mississippi. These claims are duplicative of the claims Plaintiff brings against Jackson County, and should be dismissed as

redundant. The Court will therefore **grant** Byrd's Motion to Dismiss [7] and dismiss him from this case in his official capacity.

IT IS THEREFORE ORDERED AND ADJUDGED that Byrd's Motion to Dismiss [7] is **granted**. Byrd will be dismissed in his official capacity as a defendant in this case. Byrd remains a defendant in this case in his individual capacity.

SO ORDERED AND ADJUDGED this the 18th day of December, 2015.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE